

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARK HOGAN; ELIZABETH M. HOGAN;
MARK HOGAN and ELIZABETH M. HOGAN
as Guardians and o/b/o their minor children, J.H.
and I.H.; DENNIS B. OKUDINANI as Guardian
and o/b/o D.O.,

AFFIRMATION OF
ELIZABETH HOGAN

Plaintiffs,

7:11-CV-754 (LEK/ATB)

-against-

COUNTY OF LEWIS, NEW YORK; SERGEANT
RYAN LEHMAN, in his individual and official
capacity; DEPUTY BRETT CRONEISER, in his
individual and official capacity; DAVID VANDEWATER;
FRANK ROSE; RUSSELL FALTER; KATHY WILSON;
LEANNE MOSER, in her individual and official
capacity as an Assistant District Attorney for the County
of Lewis, New York; and JOHN DOE(S) and JANE DOE(S),

Defendants.

Elizabeth Hogan, being duly sworn, affirms the following statements to be true under
penalty of perjury:

1. I am a Plaintiff in this action, and am fully familiar with the facts and
circumstances in this case.
2. I make this affirmation in support of Plaintiffs' request for trial preference.
3. In September 2012, I was diagnosed with stage 4 breast cancer.
4. At the time of diagnosis, the cancer had metastasized and spread to my liver.
5. I underwent chemotherapy treatments every three weeks, which caused me to be
debilitated for approximately 5 days following each treatment. Side effects of the treatments

included nausea, fatigue, a weakened immune system, hair loss, loss of concentration, and numbness of my fingers and toes. Due to my weakened immune system, I was once hospitalized for five days due to an infection.

6. The treatments continued until January 2013, at which point a CT and bone scan found no evidence of metastases.

7. In August 2013, there was a recurrence of cancer in my chest wall. As a result, my oncologist then placed me on a different chemotherapy drug which I continue to this day. This new drug, while it remains effective, does not have the debilitating side effects of the previous chemotherapy drugs.

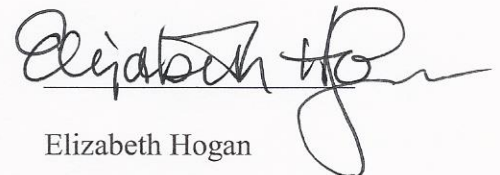
8. With the present treatment plan, I am fully able to participate in the trial on this matter.

9. I have been advised by my doctors that my current treatment plan will not cure the cancer and will ultimately be ineffective. I was given a prognosis of 3 years, with 5 years being optimistic. It will have been 3 years in September 2015.

10. Should my current treatment fail, I will have to return to the debilitating chemotherapy treatments which will render me unable to participate in trial.

11. For these reasons, I seek the Court grant this matter a trial preference, and expedite the scheduling of the trial.

Dated: April 17, 2015


Elizabeth Hogan